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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 6th September, 1963:—

BILL NO. XXV OF 1963

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title. 1963.

2. In article 352 of the Constitution, in clause (2), after sub-clause (c), the following further proviso shall be inserted, namely:— Amendment of article 352.

“Provided further that such Proclamation shall cease to operate at the expiration of a period of six months from the date of its issue, unless Parliament, by resolutions passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the Members of that House present and voting, extends that period for a further period not exceeding three months.”.

3. In article 359 of the Constitution, in clause (1), after the words “rights conferred by Part III” the words “but not including the rights conferred by article 22” shall be inserted. Amendment of article 359.

4. After article 360 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 360A.

“360A. There shall be appointed a Joint Committee of both the Houses of Parliament during the period when any

Proclamation of Emergency is in force to review the administration of the laws and rules made consequent upon the issue of the Proclamation with a view to ensure that the powers conferred by such laws and rules are properly exercised and to safeguard against any abuse thereof."

STATEMENT OF OBJECTS AND REASONS

Under the provisions contained in Part XVIII of the Constitution as they stand at present, a Proclamation of Emergency issued under article 352, after it has been approved by resolutions of both Houses of Parliament, may continue for an indefinite period. As certain consequences flow from the issue of such Proclamation, particularly affecting the fundamental rights conferred under article 22 of the Constitution, it seems necessary to prescribe a maximum period for the duration of a Proclamation of Emergency.

In order to ensure that the powers vested in the executive by or under laws or regulations during an emergency are not abused, it seems necessary in the public interest to provide for popular vigilance in the matter. Such vigilance will be best ensured through a Joint Committee of both the Houses of Parliament.

Hence the proposed Bill.

BHUPESH GUPTA.

S. N. MUKERJEE,
Secretary.

